

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MILLER ET AL,

No. C02-02118 MJJ

Plaintiff,

**ORDER DENYING ADMINISTRATIVE
MOTION TO RESCHEDULE SUMMARY
JUDGMENT HEARING DATE**

v.


INTERNATIONAL BUSINESS MACHINES
CORPORATION ET AL,

Defendant.

Pending before the Court is Plaintiff Ralph Miller's Administrative Motion to Reschedule Summary Judgment Hearing Date. (Doc. #616.) In his Motion, Plaintiff requests that the Court continue the hearing set for July 21, 2006, because Plaintiff's lead counsel, William Mueller, is unable to travel by airplane to attend the hearing. Although the Court previously advised Plaintiff that his counsel may appear telephonically at the hearing, Plaintiff asserts that allowing his counsel to appear telephonically, while opposing counsel may appear in-person, puts him "at a fundamental and prejudicial disadvantage." The Court has considered Plaintiff's request and finds that Plaintiff has failed to show any prejudice to him by holding the hearing on July 21, 2006, and allowing Mr. Mueller to appear telephonically. The Court therefore **DENIES** Plaintiff's Motion.

IT IS SO ORDERED.

Dated: 7/18/2006



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE